

would help facilitate agreement on an appropriate search. EPA is in the process of obtaining this information, has obtained some of the required information regarding EPA's maintenance of hard copy phone call logs, and is seeking additional information on EPA practices regarding creation and maintenance of phone call logs.

5. EPA has advised American Oversight that it expects to include productions of identified phone logs in its monthly rolling productions beginning in November. The parties have agreed to continue conferring regarding production of any other phone logs as EPA obtains further information regarding the existence of such additional logs.

Icahn FOIA Request

6. As described in the Complaint, American Oversight and EPA conferred in April 2017 to clarify the scope of the Icahn FOIA Request and to negotiate search terms to be used to identify responsive records. Based on those discussions, EPA conducted a search for responsive records in April 2017. That search collected over 16,000 documents of which EPA believes a large number to be non-responsive to the request.

7. In August 2017, the parties conferred regarding proposals to refine EPA's search to remove large subsets of material from the search results and streamline EPA's review and disclosure. Since the parties filed their August 31, 2017 Joint Status Report and Proposed Schedule, EPA has confirmed that these steps to narrow the scope of the search have reduced the volume of records requiring review to approximately 3000 documents, and American Oversight has agreed to accept those adjustments to the search as an accommodation to EPA.

8. The parties have agreed to a production schedule under which EPA will review at least 500 documents per month and make disclosures of all non-exempt, responsive records identified within those review sets on a monthly basis beginning October 16, 2017.

9. American Oversight and EPA have recently agreed to a few further revisions to the search parameters EPA used but do not expect them to substantially alter the total volume of material for review. Once search results are available for these changes, the parties will confer to determine whether adjustments to the proposed schedule are necessary and, if so, will include those adjustments in their next joint status report.

Proposed Schedule

10. As stated above, EPA anticipates that it will produce the remaining calendar entries for Administrator Pruitt by October 16, 2017.

11. EPA anticipates that it will make an initial production of documents responsive to the Icahn Request by October 16, 2017.

12. EPA will continue to review at least 500 documents identified through its search for the Icahn Request every month and produce all responsive, non-exempt material identified from that review on a monthly basis, specifically making subsequent productions by:

- November 16, 2017
- December 18, 2017
- January 16, 2018
- February 16, 2018

13. No later than October 31, 2017, the parties will confer regarding the volume of material requiring review in response to the Pruitt Request (including both calendars and phone logs) and an appropriate pace for review of those materials.

14. EPA will make additional productions of non-exempt material responsive to the Pruitt Request concurrently with its productions responsive to the Icahn Request, beginning with the November 16, 2017 production.

15. The parties propose that they file another joint status report no later than December 15, 2017.

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Respectfully submitted,

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